

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed June 21, 2007. Upon entry of the amendments in this response, claims 1-5, and 7-19 remain pending. In particular, Applicants have amended claims 1, 4, 7, and 9, and canceled claim 6 without prejudice, waiver, or disclaimer. Applicants have canceled claim 6 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of this canceled claim in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Rejections Under 35 U.S.C. §112, First Paragraph

The Office Action rejects claims 1-19 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. In particular, the Office Action (p. 2) alleges that “[c]laims 1-19 are not enabling, since two photosensor arrays are shared by a single amplifier (first amplifier), then it is not possible to select a single array for scanning (e.g. output is coupled to said second linear array, **instead of first array**, when second resolution is employed).” Applicants respectfully disagree with this contention. However, Applicants have amended claim 1, the only independent claim, to recite “a coupler having a switch, an output, and an output amplifier, said coupler coupled to said first linear array and to said second linear array.” Clearly, one having ordinary skill in the art understands that the switch of the coupler can be used to “select a single array for scanning.” Moreover, this amendment is supported by the specification. See, e.g., written description of switch 606 of FIG. 6. Additionally, Applicants have canceled claim 6 without prejudice, waiver, or disclaimer. Therefore, Applicants respectfully submit that the rejection has been rendered moot.

Rejections Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 1-19 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. In particular, the Office Action (p. 3) alleges that "[i]t is unclear whether a 'first amplifier' as cited is to amplify both signals from first array and second array or a second amplifier is required to amplify signals from second array." Applicants respectfully disagree with this contention. However, Applicants have amended claim 1, the only independent claim, to clarify that the coupler has an **output amplifier and a switch**. Also, Applicants have canceled claim 6 without prejudice, waiver, or disclaimer. Therefore, Applicants respectfully submit that the rejection has been rendered moot.

Rejections Under 35 U.S.C. § 103

The Office Action indicates that claims 1 - 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Suggs* (U.S. Patent 6,009,214) in view of *Hatanaka, et al.* (U.S. Patent 4,634,886, hereinafter "*Hatanaka*"). With respect to claim 6, Applicants have canceled this claim and respectfully assert that the rejection as to this claim has been rendered moot. With respect to the remaining claims, Applicants respectfully traverse the rejections.

In this regard, Applicants respectfully assert that *Suggs* cannot be used as a prior art reference against this application with respect to subject matter disclosed by this application's parent. That is, both *Suggs* and this application share a common assignee, Hewlett-Packard Company, and this application claims a priority date of October 29, 1999 for all matter disclosed by the parent application, "Photosensor Array, With Multiple Different Sensor Areas," having serial no. 09/430,471. Since *Suggs* issued on December 28, 1999, after the priority date of this application, the provisions of 35 U.S.C. § 103(c)(1) apply. Notably, 35 U.S.C. § 103(c)(1) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title,

shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

With respect to the subject matter disclosed by the parent application, *Suggs* could qualify as prior art only under § 102(e); thus, § 103(c)(1) applies. See *Paperless Accounting, Inc. v. Bay Area Rapid Transit System*, 804 F.2d 659 (Fed. Cir. 1986).

In the interest of expediting examination, Applicants submit herewith a Statement of Common Ownership in accordance with 37 C.F.R. § 1.321(c), which essentially removes *Suggs* as a valid prior art reference with respect to subject matter disclosed by this application's parent. Therefore, Applicants respectfully submit that the combination of *Suggs* and *Hatanaka* does not render claims 1-5 and 7-19 obvious.

With respect to *Hatanaka*, the Office Action alleges that *Hatanaka* teaches an amplifier and alleges that the combination of *Suggs* and *Hatanaka*, therefore, renders the claims obvious. Applicants respectfully submit that *Hatanaka* does not teach or reasonably suggest these features either.

Specifically, *Hatanaka* discloses the following:

FIG. 3 shows a block diagram of a preferred embodiment of the present invention. A reference numeral 301 denotes a shift register for sequentially selecting the common electrodes B.sub.1, B.sub.2, . . . , B.sub.m and applying voltages; 302 indicates a photosensor element array; **303 is signal amplifying means for amplifying the photocurrent signals** to be output to the independent electrodes S.sub.1, S.sub.2, . . . , S.sub.n; 304 is first sample and hold means for memorizing and holding the output of the signal amplifying means 303; 305 is a second sample and hold means for memorizing and holding the outputs of the signal amplifying means 303; **306 a first switching array for sequentially switching the outputs of the first sample and hold means 305; 307 a second switching array for sequentially switching the outputs of the second sample and hold means 306;** and 308 differential signal amplifying means for obtaining the difference between the values of the signals to be output from the first and second switching arrays 306 and 307 and amplifying this difference as a signal.

(*Hatanaka* at column 3, lines 17 – 36). (Emphasis added).

The Office Action (p. 9) indicates that the Examiner is relying on " ' amplifier means 303' as first amplifier, and not 'differential amplifier 308' as argued by the applicant." However, as can be seen in FIG. 3 of Hatanaka, amplifier means 303 amplifies all photosensor element signals. Thus, the signal inputs to amplifier means 303 are not switched. These teachings are in direct contrast to the limitations recited in Applicants' claims.

In this regard, claim 1, as amended, recites:

1. A multiple resolution sensing apparatus comprising:
 - a plurality of first photosensor elements coupled together to form a first linear array and having a first length and a first resolution;
 - a plurality of second photosensor elements coupled together to form a second linear array and having a second length and a second resolution;
 - a coupler having a switch, an output, and an output amplifier, said coupler coupled to said first linear array and to said second linear array; and***
 - a controller coupled to said coupler and providing a control signal to said switch such that said output is coupled to said first linear array when said first resolution is employed and such that said output is coupled to said second linear array, instead of said first linear array, when said second resolution is employed;***
 - the output amplifier being operative to amplify signals provided by the first linear array only when the first resolution is being employed and to amplify signals provided by the second linear array only when the second resolution is being employed.***

(Emphasis added).

In particular, Applicants' recite a "coupler," the output of which "is coupled to said first linear array when said first resolution is employed and such that said output is coupled to said second linear array, instead of said first linear array, when said second resolution is employed." Of particular importance is the aspect relating to the output being "coupled to said second linear array, instead of said first linear array, when said second resolution is employed." At least this aspect is not taught or reasonably suggested by Sugqs (as appears to be indicated in the Office Action) or by Hatanaka.

As set forth above, Hatanaka receives sequential inputs from the first and second arrays, in that different inputs are sequentially provided from each of those arrays. Differential

amplifier 308 in *Hatanaka* does not receive an input from one of those arrays without receiving an input from another as appears to be indicated in the Office Action. To the contrary, each of the arrays of *Hatanaka* has multiple switches, and corresponding switches from each of the arrays are activated to provide the differential amplifier with signals. Thus, neither *Suggs* nor *Hatanaka* teach or reasonably suggest at least a coupler as recited in claim 1.

Additionally, *Hatanaka* and *Suggs* fail to teach "the output amplifier being operative to amplify signals provided by the first linear array only when the first resolution is being employed and to amplify signals provided by the second linear array only when the second resolution is being employed," as recited in amended claim 1. Amplifying means 303 in *Hatanaka* as shown in FIG. 3 amplifies all photosensor element signals, regardless of any particular resolution. Thus, the rejection as to claim 1 has been rendered moot. Therefore, Applicants respectfully assert that claim 1 is in condition for allowance.

Since claims 2-5 and 7-19 are dependent claims that incorporate all the features/limitations of claim 1, and are not otherwise rejected in the Action, Applicants respectfully assert that these claims also are in condition for allowance. Additionally, these claims recite other features/limitations that can serve as an independent basis for patentability.

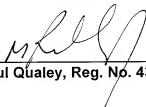
Cited Art Made of Record

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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